

INVENTORY OF THE COUNTY ARCHIVES
OF UTAH

Prepared by
The Historical Records Survey
Division of Women's and Professional Projects
Works Progress Administration

No. 26. WASATCH COUNTY (HEBER CITY)

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Ogden, Utah
The Historical Records Survey
July 1938

The Historical Records Survey

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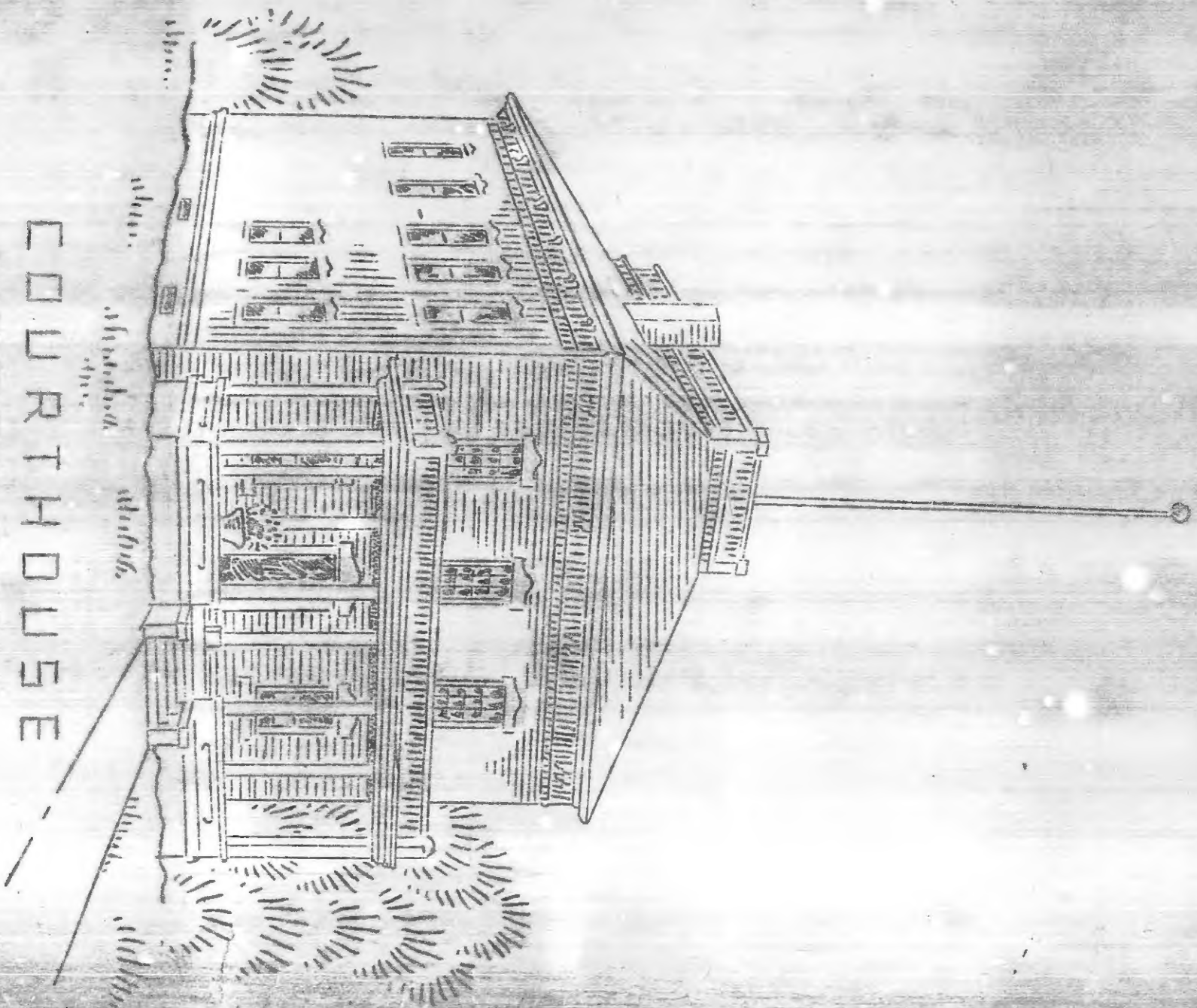
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COURTHOUSE
HEBER CITY



FOREWORD

The Inventory of County Archives of Utah is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Wasatch County, is number 26 of the Utah series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey, even in a single county, would not be possible without the support of public officials, historians and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Women's and Professional Projects, of which Mrs. Ellen S. Woodward, Assistant Administrator, is in charge.

HARRY L. HOPKINS
Administrator

PREFACE

The Historical Records Survey, a nation-wide undertaking, was initiated in Utah during March 1936, as part of the Federal Writers' Project of the Works Progress Administration. During November 1936, the Survey became an independent part of Federal Project No. 1 under the national direction of Dr. Luther H. Evans. The project in Utah continued under the same general supervision as the Writers' Project and has been organized on a state-wide basis, under the technical supervision of Hugh F. O'Neil, project editor. Workers have been employed in all counties where qualified individuals could be obtained through the employment offices.

Aside from the primary purpose of the project, which is to furnish employment to needy workers, the objective of the Survey in Utah has been the preparation and publication of complete inventories of the records of the state, county, city, or other governmental unit. The record titles are arranged under the office of origin, or custody, and by subject; in the indexes the subjects are arranged alphabetically and chronologically. Preceding the record entries for each office is a brief statement of the history, functions, and records of the office.

The Inventory of the County Archives in Utah will, when completed, consist of a series of 30 units, providing a separate unit for each county in the state. The units of the series will be numbered according to an alphabetical list of the counties from 1 to 29, with records of the now non-existent counties grouped in Inventory No. 30. The inventories of state, city, and church archives will constitute additional series. Copies of all the inventories will be distributed to public officials, libraries, and educational institutions. Requests for information concerning particular units of the Inventory should be addressed to the state director.

The Survey in Wasatch County was started June 16, 1936 and completed in November 1937, under the supervision of King Grant Wickwire, state field supervisor. For the completeness and accuracy of the inventory, Lois Barber, project worker, and the state editorial staff are responsible. Wilbur E. Dodson wrote the historical sketch, Earl Varner drew the map, and Louise R. Mathews and Leonard Hart typed the various drafts of the inventory before being placed in final form. Karl C. Bolander, Carl Allison, and Arthur M. Wilson edited the material contained in the record entries.

Grateful acknowledgment is due to all county officials and others who rendered assistance, particularly to J. Sylvan Rasband, clerk of the Second Ward, Church of Jesus Christ of Latter-day Saints, Heber City, who acted as voluntary supervisor for the local project work; F. M. Peterson, Wasatch County agricultural agent, Heber City, who acted as voluntary timekeeper; and O. A. Kennedy, author and historian, Ogden, who has given our workers valuable assistance in their county history research work. Mary H. Isham, regional director, Women's and Professional Projects, and other W. P. A. officials have given the project much cordial support and assistance. Verne B. Thorpe, assistant state director of the W. P. A. Recreation Project arranged for Wade W. Kadleck, supervisor of the art section to furnish the cover design.

MAURICE L. HOWE
State Director
Historical Records Survey

Ogden, Utah
July 1, 1938

1. HISTORICAL SKETCH OF WASATCH COUNTY

Wasatch County is believed to have been one of the first portions of the State of Utah visited by white men. In 1776, two Franciscan friars, Francisco Antanasio Dominguez and Silvestre Velez De Escalante, with a company of eight men left Santa Fe, New Mexico with the intention of discovering a direct route to Monterey, California. They came by way of the Grand River, in Colorado; thence along the White River to a place near the Utah line; then followed the Uinta and Duchesne Rivers; thence the West Fork of the Duchesne, crossing the Wasatch mountains at the head of Lake Canyon, down Diamond Creek to Spanish Fork River and thence to Utah Lake. Being unsuccessful in their quest they returned to Santa Fe through Southern Utah (article in December 21, 1906 issue The Wasatch Wave).

Three quarters of a century later Brigham Young, leader of the Church of Jesus Christ of Latter-day Saints (commonly called Mormon), who had led the first large group of permanent settlers to Utah during 1847, advised his followers to settle in any portions of Utah Territory (also known in early days as Deseret) where it was possible to raise sufficient crops of hay, grain, and vegetables to sustain life. With this in mind a group of men met at Provo near the shores of Utah Lake during the year 1858 to make preparations to settle what is now Wasatch County, and appointed William Meeks as their leader. It was the intention of this group to make preparations during the winter, so that an early start could be made during the spring of 1859. Provo Valley, the name by which this region (Wasatch County) was then known, had been used for a summer herd-ground a year or two previous to 1859, but no settlers had ever remained through the winter months. Provo River and Valley were named for Etienne Provot, a French trapper, who trapped in the vicinity in either 1824 or 1825. This river flows westerly into Utah Lake, a body of fresh water which empties into Great Salt Lake. Provo Valley was given the name "Timpanogos" by the Utah Indians (Lindsay, History of Wasatch County).

This company, consisting of eleven men with three wagons drawn by ox teams, left Provo on April 30, 1859. In the company were Thomas Rasband, John Crook, Charles N. Carroll, John Carlile, John Jordan, Henry Chatwin, Jesse Bond, James Carlile, William Giles, George Carlile, and a man named Carpenter. William Meeks, the leader chosen during 1858, did not accompany the party (idem).

They had rough roads to travel through Provo Canyon eastward from Utah Lake and encountered many snow slides. In some places they had to uncouple the wagons and take them over the slides in separate parts. They reached the open valley about 25 miles northeast of Provo on the third day of travel and were surprised to find two men, James Davis and Robert Broadhead, plowing with ox teams where the town of Charleston is now located. They also found that two men, Robert Parker and William Cummings, had been plowing on Center Creek for a few days. These four men had arrived in the valley a week ahead of the main party. The eleven men moved on to a spring located at a point one mile north of the present city of Hober. They named their settlement London, after the English city of that name, as most of the settlers were from England. In the summer of 1861 the name of the town was changed to Heber City, in honor of Hober C. Kimball, one of the pioneer leaders of the Mormon Church (idem).

Each of the settlers, taking claims of from twenty to forty acres, started

plowing and planting their crops with the hope and faith that they would reap a harvest in the fall. A townsite was surveyed as soon as possible and they began building log cabins to prepare for the winter. These cabins were built in a fort shape to protect the settlers from possible Indian attacks. In the center of the fort a meeting house was built which served also as a church, school house, dance hall, and theater. The fort was erected in the northwest corner of the townsite, on ground bounded by what is now known as First and Fourth west streets and Second and Fifth north streets (idem).

There was an abundance of wild game such as grouse and bear; and some deer and elk in the higher mountains. The streams contained trout and whitefish. Mink, martin, beaver, foxes and other fur bearing animals were indigenous to the region.

Cones of extinct geysers supplied the settlers with an abundance of easily quarried building stone locally known as "pot rock".

This section's first governmental organization, like that of most other Utah counties, was a mixture of ecclesiastical and state governments. As all of the first settlers were members of the Mormon Church it was natural that a close tie should exist between church and state.

Most of the members of the Mormon Church were not inclined to take their difficulties with other members of the church to the courts for settlement, but preferred to have them settled by the church authorities. The church had within its system for the government of church affairs, organizations which were claimed to be ideal for the government of the county. For a law-making body the Mormons had a high council. Courts were ecclesiastical tribunals, consisting of the bishop, high council, travelling high council, and the first presidency. For an enforcing arm there was the militia or Nauvoo Legion. For revenue the church collected tithes and offerings. These church organizations were used to a great extent in all of the early counties of Utah to settle disputes between church members (Greer, Utah and the Nation, p. 60).

Wasatch County was created by the Utah Territorial Legislature in "An act Defining the Boundaries of Counties, and for other purposes," approved January 17, 1862. The county, formed from portions of Green River and Utah Counties, was defined as follows: "All that portion of the Territory, bounded south by Utah and Sanpete counties, west by Utah and Great Salt Lake counties, north by the summit of the range of mountains south of the head waters of East Canyon and Silver Creek and a line running easterly from a point in said summit to and across Provo River, where it passed through the Canyon above Melville Ross' ranch, and along the left bank of said river to its head waters, thence easterly to the summit of the range of mountains north of Uinta Valley, thence along the last named summit and south of Brown's Hole, to the thirty-second meridian west from Washington City, and east by said meridian, is hereby made and named Wasatch County; and the Probate judge of said county, when elected, shall, as soon as practicable, organize said county, and locate its county seat." (L. of U., 1862, p. 48, sec. 8.)

Wasatch County was named for the Wasatch range of mountains. Wasatch, an Indian name of Ute origin, means a "mountain pass" or "low pass over a

high range".

John W. Witt, having been elected probate judge, proceeded to organize a county court for the government of the new county. On February 22, 1862 he appointed Thomas Todd, James Duke, and John Van Wagoner as selectmen. The three selectmen and the probate judge composed the county court, which was the governing power of the county (Selectmen's Minute Book, 1862).

The county court on February 22, 1862 appointed the following: John Harvey, assessor; Henry J. Young, recorder; Snelling M. Johnson, sheriff; Charles Shelton, clerk; John M. Murdock, treasurer; John Sessions, surveyor; C. N. Carroll, prosecuting attorney; Thomas H. Giles, superintendent of schools; Thomas Rasband, justice of the peace; and Zermira Palmer, constable of precinct No. 1; and Norton Jacobs, justice of the peace, and Sidney Epperson, constable of precinct No. 2 (idem).

The county court at its first meeting, February 22, 1862, located the county seat at Heber City. The Territorial Legislative Assembly later passed an Act, approved January 10, 1866, designating the county seat as Heber City (L. of U., 1851-70, chap. 146, sec. 11).

The boundaries of the county were changed in 1880, 1884, and 1914. On December 7, 1914 Wasatch County was divided and Duchesne County formed from a portion of the county. Wasatch County is now bounded on the north by Summit County; on the east by Duchesne County; on the south by Utah County; and on the west by Utah County. The northwest tip of the county touches Salt Lake County. The county, roughly triangular in shape, is fifty-five miles long and thirty-seven miles wide, covering an area of 746,880 acres.

For a number of years the court room and other county offices were located in the tithing office of the Mormon Church. The building is still standing, but is now used as a dwelling house. It is located on First North and Main streets. The exact date of the erection of the present county courthouse is not known, except that it was during the early 1880's. It is known that it was not started in 1879, but it was near enough completed in 1883 to permit being used as a place of election that year.

For the first few years the tax collector was obliged to receive wheat, barley, potatoes, and other produce in lieu of taxes due to the scarcity of money. In 1865 the following prices were set on produce: wheat and oats, \$2.00 per bushel in payment of taxes; and wheat \$1.50 and oats \$1.25 per bushel in payment of court fines and costs.

The Wasatch Wave, the weekly newspaper, was first published in 1889, by William Buys, editor and manager. The Denver and Rio Grande railroad was completed to Heber City on September 29, 1899 and the Union Pacific completed its line to Keetley during 1922.

Wasatch County, which contains 1,229 square miles has an average altitude of 5,593 feet above sea level in the valleys, which are surrounded by mountains rising as high as 13,250 feet. Of the 746,880 acres in the county, 24,883 acres are under cultivation, 23,501 of which are under irrigation. The average rainfall for the past forty years has been 16.3 inches per year. Winters are cold, below zero temperatures being recorded. The forested areas of the county are very valuable for watersheds and grazing. A part

of the county drains into the Great Basin and another part drains into the heads of the Duchesne and Price Rivers, both of which drain into the Colorado River and thence into the Pacific Ocean.

Since 1897, a total of 392,221 acres in Wasatch County has been placed in the Uinta and Wasatch National Forests.

The population of the county, according to the 1930 census, was 5,636. Heber City, the county seat, has a population of 2,762. The population and the names of the other communities of the county are: Charleston, 467; Midway, 921; Wallburg, 367; Keetley, 288; Soldier Summit, 320; and Center Creek, 196. The present assessed valuation of the county is \$4,474,660.00, which is a per capita wealth of \$793.95, based on the 1930 census. The presence of railroad lines in part of the county greatly increases the assessed valuation.

The raising of sheep, cattle, and poultry are the principal industries. A limited amount of irrigated farming is done. The climate of the county is not adapted to the growing of some varieties of fruits and other crops. Plums, strawberries, raspberries, and currants are grown. Other crops are sugar beets, lettuce, alfalfa, potatoes, barley, oats, peas and wheat.

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Historical Sketch

(First entry, p. 25)

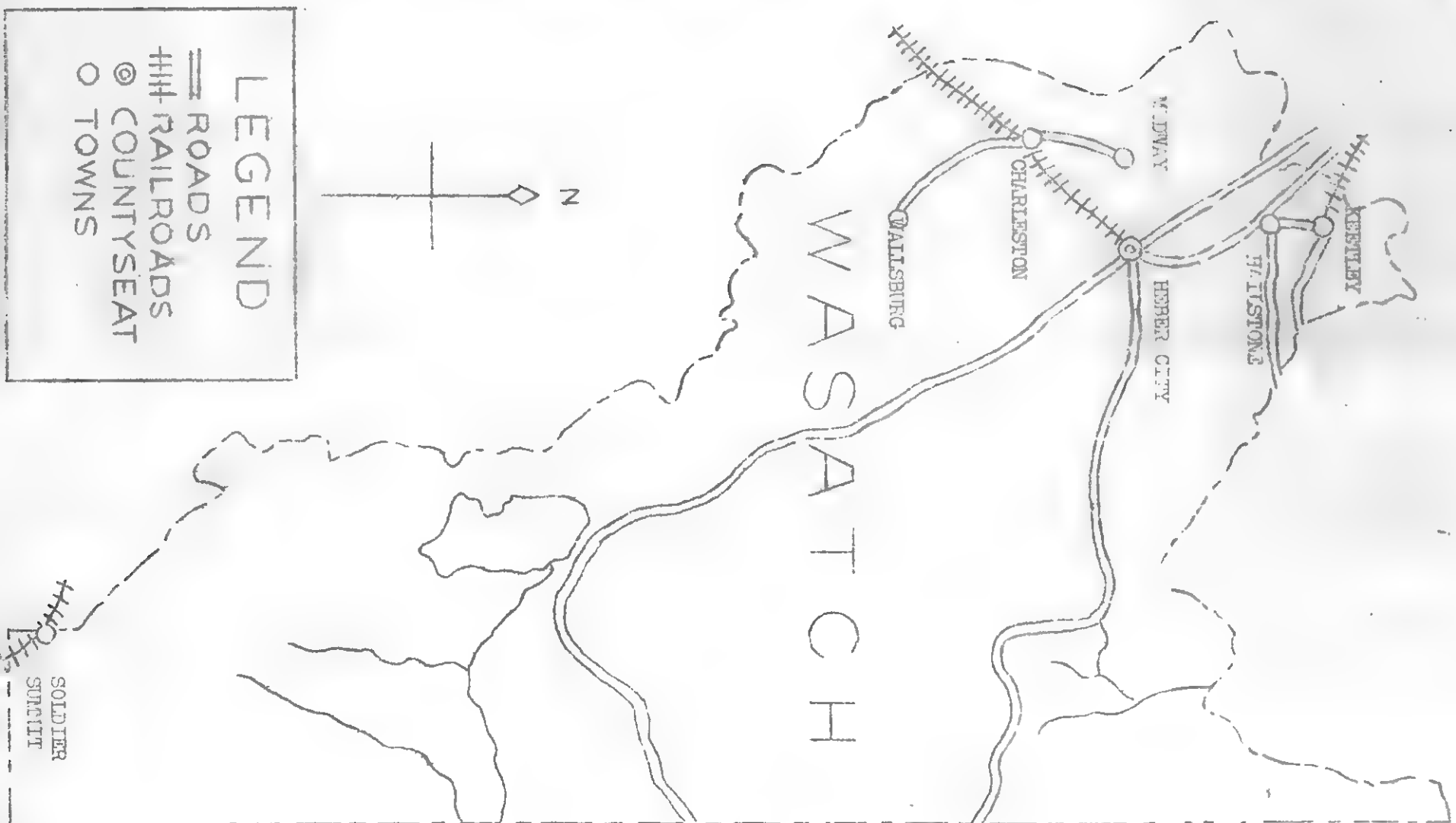
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- Autobiography of William Adams, 32 typed pages. Describes early conditions in Utah. Copy in possession of Historical Records Survey, Ogden.
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- Journal of Robert Bodily, 1844-1937. Hdw. 12 x 14 x 1 1/2. Original in possession of Robert Bodily, St. George.
- Pioneer Reminiscences of Mary Josephine Knight Bunker, 1937. 5 typed pages. Copy in possession of Historical Records Survey, Ogden.
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Lois Barber, research worker of the Historical Records Survey secured interviews with residents of Wasatch County which are preserved in typed form. A written record of interviews obtained from the following persons is now on file with the Historical Records Survey, Ogden:

Elizabeth Daybell Giles, Heber City;
Sarah Daybell Lindsay, Heber City;
Agnes Watson Lindsay, Heber City;
Cecelia Clerisa Brumly Buys, Heber City;
Rachel Horocks Duke, Heber City;
Martha J. Taylor Witt, Heber City;
Sarah Jean McFarland Casper, Heber City;
Augusta Eleanor Hansen Dahlman, Heber City;
Rachel Howarth Fortie Giles, Heber City;
Annie Coleman McMillan, Heber City;
William Giles Rasband, Heber City;
Christina Carlile Giles, Heber City;
Isabella Lindsay Smith, Heber City;
James Lindsay, Heber City;
Matilda Roby Springer, Midway;
Marie Rawlins Price Thacker, Charleston;
Harriet Bibby Gontad, Heber City;
William Daybell, Charleston;
Eda Regina Johnson, Heber City;
Annie Bonner Nelson, Heber City;
Elizabeth Daybell Giles, Heber City,



2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

The existing form of county government in the state of Utah is the product of the combined influences of four distinct governmental eras through which this section has passed; ecclesiastical, provisional, territorial and state. A proper understanding of existing records can be obtained only through a knowledge of the transitional changes that have altered the original system devised for administration of county affairs.

The area now known as the State of Utah was part of the territory which during the years from 1847 to 1849 was governed by a purely ecclesiastical regime (Bancroft, History of Utah, p. 439). Being a Mormon church community it was organized into an ecclesiastical stake (analogous to county) presided over by a president, two councillors, and a high council of twelve, who had complete jurisdiction over municipal affairs (Creer, Utah and the Nation, p. 60). The stake was subdivided into wards (analogous to precincts), which were presided over by a bishop and two councillors, who on January 6th, 1849 were entrusted with municipal duties formerly held by the high council (*ibid.*, p. 61). Thus church and state were fused into a "Theodemocracy" with the high council, bishop's court, or ward councils performing judicial functions and administering a "judicial economy after the pattern of the New Testament rather than after that of Blackstone" (*ibid.*, p. 62). Since such temporary church government was too inelastic to cope with complex civic problems and became impractical to control a rapidly increasing gentile population not amenable to church authority, on March 10, 1849, a provisional civic form of government was created under the name of the State of Deseret (*ibid.*, p. 66).

It was during the provisional government period that the nucleus of the present form of county government was created. Counties were created and were governed by a county court, consisting of a chief justice who was elected by the general assembly of the state, and two associate justices, who were elected by the people of the county; all of whom served four-year terms (O. S. D., 1850, p. 20, sec. 19). A unique feature was that the court had judicial powers with jurisdiction in both civil and criminal cases exceeding \$100 and appellate jurisdiction from courts of justices of the peace (*ibid.*, p. 20, sec. 22). This county court convened at least semi-annually to conduct and complete as far as possible the county affairs (O. S. D., 1851, pp. 18, 19, sec. 1). The court appointed a clerk, the office of which later developed into the present county clerk (O. S. D., 1850, p. 21, sec. 24), who kept records of the proceedings of the court (*ibid.*, p. 21, sec. 25); and performed general duties concerning elections (O. S. D., 1851, p. 24, sec. 2). Other officers created were an assessor and collector, annually appointed by the court (O. S. D., 1850, p. 23, sec. 1); county recorder, elected by the people for a four-year term (*ibid.*, pp. 32, 33, sec. 1); county surveyor, appointed by the court for a four-year term (*ibid.*, p. 33, sec. 4); prosecuting attorney, elected by the general assembly for a four-year term (*ibid.*, pp. 19, 20, sec. 17); sheriff, elected for a four-year term (*ibid.*, p. 21, sec. 27); justice of the peace and two constables, elected for each precinct (*ibid.*, p. 21, sec. 29); the justices of the peace also being coroner (*ibid.*, p. 22, sec. 32); estray poundkeeper, elected in each precinct (O. S. D., 1851, p. 73, sec. 2); fence viewers for each precinct, elected for four-year terms (*ibid.*, p. 76, sec. 7); road commissioners, appointed by the court (O. S. D., 1850, p. 27, sec. 1); and a precinct road supervisor, elected annually for each precinct

(*ibid.*, p. 28; sec. 9). All probate matters in the county were handled by a probate court, the judge of which was elected by the general assembly of the state (*O. S. D.*, 1851, p. 22, sec. 2).

In April, 1849 the citizens petitioned Congress for a territorial form of government (*Creer, op. cit.*, p. 76), having previously memorialized Congress to recognize the constitution of the State of Deseret and thereby admit to the Union this new state (*ibid.*, p. 75). On September 9, 1850, Congress created the Territory of Utah, but since months elapsed before the news could be conveyed via the slow mode of travel, the State of Deseret continued to function until March 5th, 1851, (*Pancroft, op. cit.*, p. 454), at which time it merged into the newly created Territory of Utah.

At the first session of the territorial legislature all acts and ordinances of the provisional government, not in conflict with the Organic Act and United States Laws, were legalized on October 4, 1851, (*L. of U.*, 1852, p. 205, sec. 1).

The changes resulting from the reorganization of the government were few. The county court was to be composed of a probate judge and three selectmen (*ibid.*, p. 52, sec. 1). The probate judge was elected by the territorial legislature and the selectmen by the electorate of the county. Upon creation of a new county, the first selectmen were to be appointed by the probate judge (*ibid.*, p. 116, sec. 1), to serve only until the next general election. The county court was given the duty of auditing county accounts (*ibid.*, p. 45, sec. 36).

In 1852 the office of county treasurer was created, to be elective for a four-year term (*ibid.*, p. 115, sec. 1); and other newly created county offices were: notary public for each county, elected by the joint vote of the legislative assembly (*ibid.*, p. 89, sec. 1); and a county surveyor, to be elected by the people for a two-year term (*ibid.*, p. 95, sec. 1).

A system of district courts was established over the territory, which was divided into three judicial districts, the judges of which were the supreme court justices, who, pursuant to United States Laws, were appointed by the Federal Government (*U. S. Organic Act*, sec. 9; *L. of U.*, 1852, pp. 31, 32). They were given original jurisdiction in criminal and civil cases (*L. of U.*, 1852, p. 38, sec. 2), which was no longer vested in the county courts. A most strategic maneuver by the territorial legislature was to confer upon the county probate court a concurrent jurisdiction with these Federal district courts (*ibid.*, p. 43, sec. 30), as well as usual probate jurisdiction (*ibid.*, p. 43, sec. 28). Thus all cases could be tried before judges elected by the territorial legislature - judges who were men of the community with local sympathies, instead of before Federal judges from the east who did not understand the Mormon philosophy of life. These Federal judges appointed their own clerk of the district court (*ibid.*, pp. 31, 32, sec. 9).

The elections were presided over by three judges of election who were appointed by the county court (*L. of U.*, 1852, p. 104, sec. 2), and since the first election was oral, one was designated as "Cryer" (*ibid.*, p. 105, sec. 7). However in 1853, the justice of the peace was designated as senior election judge with duty to provide a ballot box and necessities (*L. of U.*, 1853, p. 10,

sec. 3).

The educational system of the county was under the administration of three trustees who were elected by the people (L. of U., 1852, p. 97, sec. 1). Eight years later, there was added the office of county superintendent of public schools, who acted in an executive capacity (L. of U., 1860, p. 22, sec. 1).

Prior to 1859, the people were merely occupiers of the land, without legal title; consequently Congress passed an act making the probate judges trustees with power to enter land claims in the U. S. Land Office for the inhabitants (L. of U., 1859, p. 23, sec. 3).

In 1868 the office of county coroner was created. This officer was elected by the voters for a two-year term, and assumed the usual coroner duties. These duties were also continued by the justice of the peace (L. of U., 1868, p. 32, sec. 1). The office of county coroner was abolished on January 1, 1897 and all powers and duties of the office were conferred upon the justice of the peace in the respective counties (L. of U., 1896, chap. 131, sec. 135).

The selectmen in 1872 were directed to erect a county jail (L. of U., 1872, chap. 5, sec. 1), and act as ex-officio directors of the same (ibid., chap. 5, sec. 5).

The county court in this same year was given the duty of locating stray pounds in each precinct (L. of U., 1872, chap. 3, sec. 1). Such duty had previously been performed by the county road supervisor (O. S. D., 1861, p. 73, sec. 1).

County government in Utah was affected by Federal legislation enacted by Congress in an effort to impose a more efficient enforcement of Federal laws. The Poland Bill, approved June 23, 1864 curtailed the jurisdiction of the probate courts, confining their duties to the settlement of estates, guardianship, and divorce matters, taking away all other civil, chancery, and criminal jurisdiction (C. L., 1869, p. 103, sec. 3). However this provision was apparently not enforced, because it was not until 1874 that the U. S. Supreme Court declared such probate court jurisdiction void (Perris vs Higley, 20 Wall 375-384). The Poland Bill, also gave the district courts concurrent jurisdiction in divorces (C. L., 1869, 103, sec. 3); raised the jurisdiction of justices of the peace from \$100 to \$300 (ibid., p. 104, sec. 3); and changed the office of notary public from elective to one appointive by the governor (ibid., p. 106, sec. 5).

In 1878 the territorial legislature designated that the county court should act as a board of equalization in adjusting tax assessments (L. of U., 1878, chap. 8, sec. 12). This same year the justice of peace was relieved of duties as senior election judge, such duties being given to one of three election judges who were appointed by the county court (L. of U., 1878, chap. 12, sec. 9). The county court was given the duty, formerly delegated to the justice of peace, of providing ballot boxes and equipment (ibid., chap. 12, sec. 10).

In 1880 the selectmen were made ex-officio water commissioners of the

county (L. of U., 1880, chap. 20, sec. 1), and were given the duty to biennially appoint a county bee inspector, whose duty was to protect apiaries from spread of infection (ibid., chap. 7, sec. 1); and in 1882, were required to yearly appoint a fish and game commissioner (L. of U., 1882, chap. 33, sec. 11).

The U. S. Congress in 1882, in conjunction with its fight against the practice of polygamy, passed the Edmunds Act on March 12, which created a commission to supervise elections and declared all registration and election offices of every description vacant (U. S. Statutes at Large, vol. 22, chap. 47, sec. 9). Then on March 3, 1887, Congress passed the Edmunds Tucker Act, which changed the office of probate judge from one elective by the territorial legislature to one appointive by the President of the United States (ibid., vol. 24, chap. 397, sec. 19); divested the probate court of jurisdiction in divorce matters, giving such jurisdiction exclusively to the district court (ibid., vol. 24, chap. 397, sec. 12); and again provided for abolition of all election laws and provided that the governor, secretary, and board of commission (Federal) should redistrict the territory (ibid., vol. 24, chap. 397, sec. 22).

In 1888, the office of county clerk was made elective for a two-year term (L. of U., 1888, chap. 51, sec. 1). The county court was empowered to appoint, when practical, a county physician, and establish and maintain hospitals (C. L., 1888, chap. 6, sec. 187, sub. 6). The offices of county and precinct road supervisors were consolidated into the office of district road supervisor who assumed the road supervision duties held by these offices (C. L., 1888, chap. 13, sec. 2074, sub. 10).

In 1888 the duties of all county officers were integrated by the "Act for Uniform County Government" which designated the term of selectmen to be two years (L. of U., 1888, chap. 50, sec. 9).

In 1890, the constables of the county became the precinct poundkeepers, assuming all the duties of the abolished office of precinct poundkeeper (L. of U., 1890, chap. 55, p. 25).

The county school systems were integrated by the "Uniform System of Free School Act" in 1892 (L. of U., 1892, chap. 80), and that same year the district courts were given exclusive jurisdiction over violations of the Polygamy Act (ibid., chap. 7, sec. 9).

When Utah was admitted as a state in 1896, all laws of the territory not in conflict with the Utah Constitution were legalized (Const., Art. 24, sec. 2). The first state legislature passed an act which provided that counties should be governed by a board of county commissioners, consisting of three elected members, and that the selectmen of the county should act as commissioners until the first election (L. of U., 1896, chap. 131, sec. 10). The office of probate judge was abolished and the jurisdiction of the probate courts was vested in the district courts (ibid., chap. 27, sec. 1). The office of county auditor was created (ibid., chap. 131, sec. 97); and the official name of county attorney was given to the prosecuting attorney (ibid., chap. 131, sec. 47), the office to be elective for a two-year term (Const., Art. 8, sec. 10). The county clerk was made ex-officio clerk of the district court (ibid., Art. 8, sec. 14), and was to act as county auditor in counties with an assessed valuation less than \$50,000,000 (L. of U., 1896, chap. 131, sec. 47). The office of assessor and collector was changed in title to county assessor (idem). The office of

coroner was abolished effective January 1, 1897, and the duties placed on justices of the peace (*ibid.*, chap. 131, sec. 135). The office of fish and game commissioner was renamed county fish and game warden and the term of office lengthened to two years (*ibid.*, chap. 96, sec. 5). The ex-officio office of water commissioner was abolished and the duties placed on the state engineer (*L. of U.*, 1897, chap. 38, sec. 1). The office of fence viewer was no longer continued after statehood, although an indirect reference to it was made in 1896 (*L. of U.*, 1896, chap. 133, sec. 8). The county commissioners were required to divide the county into health districts and appoint health officers in such districts (*ibid.*, chap. 131, sec. 21), and were to act as ex-officio board of county canvassers (*ibid.*, chap. 125, sec. 23) with the county clerk as ex-officio clerk of such board (*ibid.*, chap. 125, sec. 24). Thus was set into operation the county government under the new state of Utah.

In 1899 the office of district attorney was created (*L. of U.*, 1899, chap. 56, sec. 1). In 1903 the board of county commissioners was directed to name one of its members "commissioner of the poor" to administer county business regarding care of the poor (*L. of U.*, 1903, chap. 122, sec. 48).

Although the legislature had provided for optional drainage districts, organized under supervision of the county commissioners who supervised the election of the governing directors (*L. of U.*, 1896, chap. 132, sec. 3), such law even as revised in 1905 (*L. of U.*, 1905, p. 233, chap. 124) was held unconstitutional (*Argyle vs. Johnson*, 39 Utah 500), but subsequent revisions (*L. of U.*, 1913, chap. 95, sec. 327) finally made such act and system constitutional (*Ferry vs. Corrinne Drainage District*, 42 Utah 1).

The compilers of the Revised Statutes of 1898 adopted sections from the California and Montana Political Codes (*Rev. Stat.*, 1898, preface p. V) placing the duty upon the county clerk of keeping a record titled "Register of Births" and one titled "Register of Deaths" (*Rev. Stat.*, 1898, title 57, sec. 2033). The system was changed in 1905, when such duties were vested in the state board of health and vital statistics (*L. of U.*, 1905, chap. 120, sec. 1) with the duty placed upon the board of county commissioners to appoint a local registrar of vital statistics for two-year terms for each registration district in the county except cities of the first and second class (*ibid.*, chap. 120, sec. 4).

In 1905 a county board of education was provided to succeed the system of district school trustees (*ibid.*, chap. 107, sec. 1). The same year a system of juvenile courts was created in cities of the first and second class (*ibid.*, chap. 117, sec. 1); with a probation officer in each county appointed by the district judge (*ibid.*, chap. 117, sec. 2) to replace two or more probation officers previously specified to be nominated by any children's aid society and appointed by a court of proper jurisdiction (*L. of U.*, 1903, chap. 124, sec. 4). In 1907 the system was revised to provide for one juvenile court in each district containing cities of first and second class (*L. of U.*, 1907, chap. 139, sec. 1). Such court's jurisdiction extended over cases relating to custody, detention, guardianship of the person, probation, neglect, examination, care, and trial of dependent and delinquent children (*ibid.*, chap. 139, sec. 2). In 1913 the chief probation officer of the county became a district officer, one being appointed for each juvenile court district (*L. of U.*, 1913, chap. 54, sec. 12). However the board of county com-

missioners in 1931 was allowed to provide compensation for assistant probation officers to be appointed by the judge of the juvenile court (L. of U., 1931, chap. 29, sec. 6).

The office of county fish and game warden was abolished in 1907 when the office of state fish and game commissioner was created, such officer appointing a chief state fish and game warden in each county, by and with the approval of the board of county commissioners (L. of U., 1907, chap. 118, sec. 5).

In 1909 the office of district road commissioner was abolished in favor of a county road commissioner who assumed county road duties (L. of U., 1909, chap. 118, sec. 1) until 1921 when such office was abolished and the duties assigned to the county commissioners (L. of U., 1921, chap. 60, sec. 1). The same year the board of county commissioners was vested with the duty to supervise the organization of irrigation districts (L. of U., 1909, chap. 74, sec. 2).

The Congressional "Smith-Lever" Act of 1914 providing grants for agricultural extension work, was accepted by the legislature in 1915 (L. of U., 1915, p. 269-Senate joint resolution #7) which when put into operation resulted in appointment by the Utah Agricultural College of county agricultural agents.

In 1917 the legislature which had as previously mentioned, designated maintenance of hospitals by the counties, specifically provided for the establishment and maintenance of a county hospital by the county commissioners (L. of U., 1917, chap. 106, sec. 1), but none has been established in this county.

In 1919 the county public library system was established, whereby the board of county commissioners was given the power to levy a tax for a county library fund (L. of U., 1919, chap. 72, sec. 1), and appoint a board of directors of the county library (ibid., chap. 72, sec. 3). Wasatch County does not have a county library.

In 1923 the board of county commissioners was given the power to organize, pursuant to petition, mosquito abatement districts and appoint the governing board of trustees of same (L. of U., 1923, chap. 90, sec. 3, 4).

In 1927 the board of county commissioners was authorized to create fire districts (L. of U., 1927, chap. 52, sec. 1), with the duty given to the sheriff to extinguish fires (ibid., chap. 52, sec. 3). The board was also authorized to organize, equip, maintain and provide for management of a fire department (ibid., chap. 28, sec. 1400x53), although none has been organized in this county.

In 1933 the board of county commissioners was given the power to create special improvement, water supply, sewer or sanitary districts outside of incorporated cities and towns, and flood control districts inside or outside of such cities and towns (L. of U., 1933, chap. 14, sec. 1).

In 1935 the legislature provided for the organization of county boards of public welfare by the county commissioners to handle relief matters of the

counties and cooperate with the state board of public welfare (L. of U., 1935, chap. 69, sec. 7). The same year the board of county commissioners was authorized to cause pure sugar beet seed districts to be established (ibid., chap. 28, sec. 1).

In 1937 the fire districts created by the board of county commissioners were abolished and new districts created by a state board of fire control (L. of U., 1937, chap. 24, sec. 2, 11) and the county sheriff was made ex-officio deputy fire warden (ibid., chap. 24, sec. 1).

The salaries of the commissioners and other county officers are fixed by the board of county commissioners in accordance with a schedule fixed by the state legislature, based on the assessed valuation of the county (Rev. Stat., 1933, 19-13-14).

Wasatch County is under the jurisdiction of Federal, state, and local courts. By virtue of the Constitution of the United States, the United States Supreme Court and inferior courts have original or appellate jurisdiction over specified matters (U. S. Constitution, Art. 3, sec. 2). Likewise the Constitution of the State of Utah conferred upon the state supreme court original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus; and appellate jurisdiction in other cases (Const., Art. 8, sec. 4).

The state of Utah is divided into seven judicial districts, in each of which one or more district judges are elected (ibid., Art. 8, sec. 5). Wasatch County is located in the fourth judicial district which includes the counties of Wasatch, Duchesne, Utah and Uintah (Rev. Stat., 1933, 20-3-3). These district courts have original jurisdiction in all matters civil and criminal, not prohibited by law or the Constitution; appellate jurisdiction from all inferior courts and tribunals; and a supervisory control of inferior courts (Const., Art. 8, sec. 7). District courts are courts of record, and are required to have a seal (ibid., Art. 8, sec. 17).

The local courts or justice of the peace courts operate within their precincts, which are subdivisions of the county made by the board of county commissioners for the purpose of electing a justice of the peace and constables in each (Rev. Stat., 1933, 19-13-5). The justice courts have jurisdiction in civil matters concerning contracts; personal injuries, real property, assessments, undertakings, repossessions, judgments, forcible entry, damages and liens for amounts less than \$300 (ibid., 20-5-2); and jurisdiction in criminal matters of petit larceny, assault and battery (qualified) and all misdemeanors punishable by a fine less than \$300 or imprisonment not exceeding six months or by both such fine and imprisonment (ibid., 20-5-4).

In cities, where city courts are established, the judges of the city court become the ex-officio justices of the peace for the precinct (ibid., 20-4-4). The city courts have civil jurisdiction in matters of contracts, personal injuries, forfeitures, undertakings, repossessions, liens, forcible entry, and accounting less than \$1000 and numerous matters specifically set out by statute (ibid., 20-4-12); and criminal jurisdiction the same as justices of the peace as well as exclusive original jurisdiction of all cases of violation of city ordinances (ibid., 20-4-14).

The "small claims court" is a department created in the justice and city

courts, having jurisdiction not exclusive, in cases for recovery of money only where the amount claimed does not exceed \$50 and where the defendant resides within the jurisdiction of the court in which the action is maintained (L. of U., 1933, chap. 16, sec. 1).

The juvenile court is a special court of record operating in juvenile court districts set by a state juvenile court and probation commission (Rev. Stat., 1933, 14-7-2). Briefly and in general the juvenile court has "exclusive original jurisdiction in all cases relating to the neglect, dependency and delinquency of children who are under eighteen years of age, except in felony cases as provided, and the custody, detention, guardianship of the person," trial, care and employment of such children, and jurisdiction of adult persons for misdemeanors committed by them involving children who are under eighteen (ibid., 14-7-4). Wasatch County is located in the 4th juvenile district. The judge in these cases hears and settles the cases at the place he has designated as his place of holding court. The 4th juvenile district court is located at Provo and the records are located there. Juvenile court records for cases handled in Wasatch County will be included in the Utah County inventory.

Other officers of the county are county clerk, county auditor, county recorder, sheriff, county surveyor, county treasurer, county attorney, county assessor, county agricultural agent, county physician, county board of education, clerk of district court, justice of the peace, and county board of public welfare. The duties and functions of these officers will be dealt with under the subdivisions dealing with records of their offices.

An ordinance of the board of county commissioners, effective January 1, 1899, consolidated the offices of county clerk and county recorder. The office of county auditor is also combined with the office of county clerk in accordance with the provisions of the law providing that in counties of less than \$20,000,000 assessed valuation the duties of the offices of county auditor and county clerk are to be combined (Rev. Stat., 1933, 19-13-2). The county clerk is also ex-officio clerk to the board of county commissioners and the district court.

Elections are held in even-numbered years on the Tuesday next following the first Monday in November. The term of all officers elected commences on the first Monday in January next following the date of their election (Const., Art. 4, sec. 9). With the exception of one county commissioner, the members of the board of education, and the county attorney, all county officers are elected for a term of four years, the present terms expiring in 1938.

Part of the records in the office of the recorder were combined in volumes until 1900, when efforts were made to separate the different types of instruments into volumes containing only the one type of record. The records in the office of the county clerk have always been separated on the basis of the character of the record. The grade of paper and ink has been of good uniform quality. During 1915, as new volumes were opened, the records were typed instead of handwritten as formerly.

All records are kept and preserved safely. The county commissioners do not have authority to burn or destroy any records. The Revised Statutes for 1933 provide in part that "every officer having custody of any records, maps,

or books . . . guilty of stealing, willfully destroying . . . or removing . . . or allowing others to do so, is guilty of a felony" (Rev. Stat., 1933, 103-26-70).

Some of the county recorder's records overlap in dates. Instruments of a like nature have in some cases been recorded in various different record books, instead of being recorded in one book, or series of books, over a period of years.